

REMARKS

Reconsideration of this application, in view of the foregoing amendments and the following remarks, is respectfully requested.

Claims 1-6, 8-15, 18, 19, 21, and 23-25 were presented for consideration in this application. By the foregoing amendment, claims 6, 11, 12, 19, 21, and 25 are amended to correct informalities and/or to clarify antecedent basis. Claims 1-6, 8-15, 18, 19, 21, and 23-25 are now pending.

Specification

Paragraphs [0003], [0004], [0010], [0011], and [0013]-[0016] of the Specification as published are amended herein to correct informalities such as typographical, spelling, and grammatical errors. No new matter is added by way of these amendments.

Drawings

The figures are amended herein to replace the hand drawn figures with formal figures prepared by a draftsman and to correct a typographical error in block 202 of Figure 2. No new matter is added by way of these amendments. Applicant requests that the Examiner acknowledge that the amended drawings are acceptable in the next action.

Rejections under 35 U.S.C. § 103

Claims 1-6, 8-15, 18, and 19

Claims 1-6, 8-15, 18, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,225,322 ("Folmsbee") in view of U.S. Patent No. 7,380,275 ("Srinivasan"). This rejection is traversed.

As an initial matter, Applicant notes that the Examiner cited the patent number of Marchant in the rejection, rather than that of Srinivasan. Since the Examiner explicitly stated that the Marchant prior art is withdrawn, and Srinivasan is now used, the Applicant assumes in this response that the Srinivasan reference listed in the Notice of References Cited is the correct reference. If this assumption is incorrect, Applicant requests that the

Examiner withdraw this final office action and issue a new office action with the correct reference citation.

Turning to the rejection of the claims, independent claim 1 explicitly recites “a processor for *decrypting* the encrypted software program” and “the software program is *decrypted*.” Emphasis added. Independent claim 6 explicitly recites “*decrypting* the encrypted software program.” Emphasis added. Independent claim 11 explicitly recites “*decrypting* the software program.” Emphasis added. Independent claim 19 explicitly recites “*decrypting* the encrypted software file.” Emphasis added. Clearly, these four independent claims require that a software program or file is decrypted.

Folmsbee, the art on which the Examiner relies to disclose these limitations, discloses a system that executes encrypted software code without performing decryption. In fact, Folmsbee explicitly states that the encrypted software code is not decrypted. For example, Folmsbee states “[t]he encrypted instructions are thus in a form that can only be executed by a microprocessor configured according to the matching key. ... *Decryption is not performed* to provide standard op-codes, because the instruction decoder of the CPU 11 responds to encrypted op-codes.” Col. 5, ll. 7-15 (emphasis added). Folmsbee further states that “[s]ince the execution of the code, as encrypted, is accomplished by the operation of the microprocessor, *no actual decryption algorithm* is needed. Therefore, it is possible to operate encrypted instructions in a computer *without decryption*.” Col. 6, ll. 19-24 (emphasis added). Folmsbee also states “[t]he execution of encrypted software is accomplished by modifying instruction sets in a CPU, thereby *obviating the necessity for decrypting* encrypted software external of the CPU.” Col. 22, ll. 23-26 (emphasis added). In fact, Folmsbee expressly teaches away from using decryption. See, e.g., col. 2, ll. 4-15 and 42-45. Therefore, Folmsbee cannot possibly be read to teach or even suggest decrypting software as required by claims 1, 6, 11, and 19 without ignoring express limitations of these claims and/or ignoring express teachings of Folmsbee, both of which are improper. As the Examiner merely relies on Srinivasan to disclose the serial number (identifying number) being accessible only by the processor, the Examiner has not made a prima facie case that claims 1, 6, 11, and 19 are obvious in view of Folmsbee and Srinivasan.

In view of the above, claims 1, 6, 11, and 19 are patentable over Folmsbee and Srinivasan. Claims 2-5, 8-10, 12-15, and 18 depend from one of claims 1, 6, and 11 and are thus patentable over Folmsbee and Srinivasan for at least the same reasons. Accordingly, withdrawal of this rejection is requested.

Claims 21 and 23-25

Claims 21 and 23-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Folmsbee in view of U.S. Patent No. 5,287,508 ("Hejna"). This rejection is traversed. Independent claim 21 explicitly recites "*decrypting* the software file." Emphasis added. Clearly, this claim requires that a software program or file is decrypted. As explained in detail above, Folmsbee, the art on which the Examiner relies to disclose these limitations, does not teach that a software file is decrypted. Therefore, Folmsbee cannot possibly be read to teach or even suggest decrypting a software file as required by claim 21 without ignoring express limitations of the claim and/or ignoring express teachings of Folmsbee, both of which are improper. As the Examiner merely relies on Hejna to disclose multiple processors, the Examiner has not made a prima facie case that claim 21 is obvious in view of Folmsbee and Hejna.

In view of the above, claim 21 is patentable over Folmsbee and Hejna. Claims 23-25 depend from claim 21 and are thus patentable over Folmsbee and Hejna for at least the same reasons. Accordingly, withdrawal of this rejection is requested.

Conclusion

Applicant believes this application and the claims herein to be in a condition for allowance and respectfully requests that the Examiner allow this application to pass to the issue branch.

Applicant believes that no additional fee is due at this time; however, please charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 relating to this matter to Deposit Account Number 20-0668, for Texas Instruments Incorporated.

Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicant.

Respectfully submitted,

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